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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 November 2004 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Thailand to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1540 (2004) and, with reference to the latter's note dated 21 June 2004, has the honour to transmit herewith the first report of the Royal Thai Government in accordance with paragraph 4 of the resolution (see annex).

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Annex to the note verbale dated 5 November 2004 from the Permanent Mission of Thailand to the United Nations addressed to the Chairman of the Committee

Report submitted by Thailand on the implementation of Security Council resolution 1540 (2004)

1. Policy and Commitment on Weapons Non-Proliferation

1.1 Thailand is fully committed to non-proliferation of all types of weapons, both weapons of mass destruction (WMD) and conventional arms. Thailand has a firm policy not to develop, acquire or proliferate any kind of WMD and their delivery system.

1.2 Thailand strongly supports multilateral efforts and agreements on non-proliferation and disarmament to reduce and contain threats from proliferation of WMD and their delivery system. These agreements are effective instruments to prohibit proliferation, possession and manufacture of WMD as States Parties have an obligation to establish their export controls to limit WMD materials to be transferred to the Non-States Parties.

1.3 Thailand has joined all key international treaties and conventions on disarmament and non-proliferation. The status of Thailand is as follows:

(1) Thailand is a State Party to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) including the Safeguards Agreement of the International Atomic Energy Agency (IAEA) with a view to signing the Additional Protocol to the IAEA Safeguards Agreement in the near future once domestic procedures have been completed.

(2) Thailand is a State Party to the Chemical Weapons Convention (CWC) and Biological Weapons Convention (BWC) and strongly supports the process of multilateral negotiations for a non-discriminatory legally binding verification protocol to the BWC and CWC.

(3) Thailand is a Signatory State to the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and is in the process of completing its internal process to ratify and become a State Party to the CTBT by 2005.

1.4 In addition, Thailand, together with the other 9 ASEAN member countries, established the Southeast Asia Nuclear-Weapons-Free Zone (SEANWFZ), which entered into force on 27 March 1997. SEANWFZ, as well as all nuclear-weapon-free zones, is a positive contribution to global nuclear non-proliferation and disarmament.

1.5 The Royal Thai Government has strictly complied with all obligations and commitments under these disarmament and non-proliferation treaties and conventions.

2. Implementation of UNSCR 1540

2.1. National Focal Points

The Thai Cabinet endorsed the UNSC Resolution 1540 on 10 August 2004 and instructed relevant authorities to observe the Resolution. The following focal points have been designated to implement the Resolution:

- The Ministry of Defense is the national authority to regulate and control missiles, conventional weapons and related materials;
- The Office of Atoms for Peace is the national authority to regulate and control nuclear and radiological weapons and related materials;
- The Ministry of Industry is the national authority to regulate and control chemical weapons and related materials;
- The Ministry of Public Health is the national authority to regulate and control biological weapons and related materials;
- The Ministry of Commerce is the national authority to regulate and control dual use items.

2.2. Law and Regulations

To comply with its obligations and commitments under the disarmament and non-proliferation treaties and conventions, as well as the Resolution 1540, Thailand has rigorously enacted and enforced several legal instruments as follows:

- The Customs Act (1926)
- The Act Controlling the Exportation of Arms, Armament and War Implements (1952)
- The Atomic Energy for Peace Act (1961)
- Ministerial Regulations, issued under the order of the National Administrative Reform Committee No. 37 (1976)
- The Export and Import Goods Act (1979)
- The Disease Control Act (1980)
- The Munitions of War Control Act (1987)
- The Royal Decree Controlling the Exportation of Arms, Armament and War Implements (1992)
- The Hazardous Substance Act (1992)
- The Amendment to the Anti-Money Laundering Act (1999)
- The Animal Disease Control Act (2001)
- The Pathogens and Toxins Act (2001)
- The Amendment to the Section of 135 of the Penal Code

2.3. National Control Measures

(1) Since 1991, the Ministry of Commerce has issued the "Import Certificate," upon request by exporting country, to ensure that end-users in Thailand do not re-export the imported high-technology products to other countries.

(2) The Ministry of Defence has strictly controlled the import and exports of the munitions and all military weapons in accordance with national laws by licensing import and export permits so that they are not re-transferred or re-exported to other countries.

(3) The Ministry of Industry has strictly controlled the import and export of toxic chemicals, especially those prohibited by the Chemical Weapons Convention, by cautiously scrutinizing the licensing process and inspection measures. In addition, Thailand has also prohibited or controlled other chemicals under Thai domestic laws.

(4) The Office of Atoms for Peace has reviewed and amended its regulations to control import and export of nuclear materials, as well as their domestic use, storage and transfer in order to ensure security and safety of nuclear and radioactive materials and related materials.

2.4. Border Control

(1) Thailand has rendered its full cooperation with friendly countries to prevent WMD and dual-use items from being transited, transferred and transshipped from Thailand to other countries.

(2) Thailand and the United States signed the Declaration of Principles for the Container Security Initiative (CSI) on 11 June 2003. Thailand has already implemented the CSI by using X-ray container equipment to pre-screen and detect high risk containers at Laem Chabang Port since March 2004 and is now in the process of considering the possibility to use the Tracking System to ensure the security of containers while being shipped from Laem Chabang Port to Seattle Port.

(3) Thailand is implementing the Closed Circuit Television System at four important border control points in Chiang Rai, Nong Khai, Sa Kaeo and Songkhla provinces.

(4) The relevant Thai agencies have organized meetings and seminars with the private sector to raise their awareness of WMD non-proliferation and CSI.

(5) Thailand strictly adheres to various international treaties on land transport.

(6) Thailand is developing an Advance Passenger Information System (API) to monitor the movement of suspected persons on the WMD watch lists of intelligence agencies. The API system will be implemented in 2005. Thailand made progress on Personnel Identification Secure Comparison and Evaluation System (PISCES), with assistance from the United States, to conduct surveillance on suspected persons. PISCES will be implemented in 2006.

2.5. Control against Funding and Servicing of WMD Proliferation

The Royal Thai Government issued two Executive Decrees on 11 August 2003 to amend the criminal code and anti-money laundering law. The two amendments to the Penal Code and the Anti-Money Laundering Act were initiated to empower the relevant authorities, particularly the Anti-Money Laundering Office, to take effective counter-measures against any illegal financing.

3. Further Measures Planned in the Implementation of UNSCR 1540

3.1 Establish an end-user certificate system.

3.2 Review the existing control lists of WMD and dual use items with a view to establishing a comprehensive and updated national control lists.

3.3 Stricter control over import of biological and chemical substance under the relevant international Conventions.

3.4 Regulate and control the security of storage and chain of custody of chemicals listed in the Chemical Weapons Conventions by 2005.

3.5 Promote enhanced cooperation with the international community through intelligence and information sharing.

3.6 Implement the Megaport Initiative by using radioactive detectors at Laem Chabang Port to scan containers and vehicles at the port.

3.7 Control nuclear related materials under the Additional Protocol of the IAEA.

3.8 Intensify and enhance the existing implementation of Closed Circuit Television Systems and X-Ray container equipment, as well as initiate the implementation of Tracking Systems, in every important port around the country as proliferation preventive measures.

3.9 Strengthen the physical protection of nuclear materials and nuclear facilities.

4. Capacity Building Needed

4.1 Thailand welcomes international support and assistance to help develop more effective national export, transit and transshipments controls over WMD, their means of delivery and related dual use items.

4.2 Thailand seeks advice from experts on identification of WMD-related materials and dual use items.

4.3 Thailand needs training courses and workshop to exchange views and experience on how to effectively detect, deter, prevent and combat the transport of illicit WMD and related materials as well as trafficking and brokering which is consistent with international law.